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10 JOHNSON & JOHNSON, MCNEIL CONSUMER
11 HEALTHCARE, a Division of MCNEIL-PPC, INC.,
12 MCKESSON CORPORATION, and WAL-MART
13 STORES, INC.

ENDORSED
FILED
San Francisco County Superior Court

OCT 29 2007

GORDON PARK-LI, Clerk
BY: WESLEY RAMIREZ
County Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

12 THOMAS B. GAINES, a deceased minor
13 child by and through his personal
14 representative(s) and/or successor(s) in
15 interest; DIANA L. GAINES, individually,
16 as Executor of the Estate of Thomas B.
17 Gaines, and as Thomas B. Gaines' personal
18 representative and successor in interest;
19 GARY D. GAINES, individually and as
20 Thomas B. Gaines' personal representative
21 and successor in interest; and THE
22 ESTATE OF THOMAS B. GAINES,

23 Plaintiffs,

24 v.

25 JOHNSON & JOHNSON, a New Jersey
26 corporation; MCNEIL CONSUMER &
27 SPECIALTY PHARMACEUTICALS, a
28 Division of MCNEIL-PPC, INC., a New
Jersey corporation; MCKESSON
CORPORATION, a Delaware corporation;
WAL-MART STORES, INC., a Delaware
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CGC-06-457600

**NOTICE OF REMOVAL TO FEDERAL
COURT UNDER 28 U.S.C. § 1441(b)
[DIVERSITY]**

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TO THE COURT, PLAINTIFFS, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Johnson & Johnson, McNeil Consumer Healthcare, a Division of McNeil-PPC, Inc. (erroneously sued as McNeil Consumer & Specialty Pharmaceuticals, a Division of McNeil-PPC, Inc.), and Wal-Mart Stores, Inc. removed the above-entitled action to the United States District Court for the Northern District of California, on October 29, 2007. A true and correct copy of the Notice of Removal and Removal and all related papers are attached collectively to this Notice as Exhibit A.

Dated: October 29, 2007

DRINKER BIDDLE & REATH LLP


THOMAS W. PULLIAM, JR.

Attorneys for Defendants
JOHNSON & JOHNSON, MCNEIL
CONSUMER HEALTHCARE, a Division
of MCNEIL-PPC, INC., MCKESSON
CORPORATION, and WAL-MART
STORES, INC.

CERTIFICATE OF SERVICE

I, GLORIA CADENA, declare that:

I am at least 18 years of age, and not a party to the above-entitled action. My business address is 50 Fremont Street, 20th Floor, San Francisco, California 94105, Telephone: (415) 591-7500.

On October 29, 2007, I caused to be served the following document(s):

**NOTICE OF REMOVAL TO FEDERAL COURT
UNDER 28 U.S.C. § 1441(B) [DIVERSITY]**

by enclosing a true copy of (each of) said document(s) in (an) envelope(s), addressed as follows:

- ☐ BY MAIL: I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at San Francisco, California.
- ☐ BY PERSONAL SERVICE: I caused such envelopes to be delivered by a messenger service by hand to the address(es) listed below:
- ☒ BY OVERNIGHT DELIVERY: I enclosed a true copy of said document(s) in a Federal Express envelope, addressed as follows:
- ☐ BY FACSIMILE: I caused such documents to be transmitted by facsimile transmission and mail as indicated above.

Michael J. Avenatti, Esq.
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Facsimile: (310) 576-1220
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Counsel for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 29, 2007 at San Francisco, California.


GLORIA CADENA